

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.9634 of 2015

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Date: 13-4-2015

Between

Devasani Srinivas

and 3 others

... Petitioners

and

The State of Telangana,

Rep. by its Prl. Secretary,

Irrigation and CAD Dept.,

Secretariat Bldgs., Hyderabad;

and 3 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.9634 of 2015

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Order:

Heard Sri Alladi Ravinder, learned counsel appearing for the petitioners and the learned Government Pleader for Irrigation and Command Area Development for the respondents.

2. It is submitted by the petitioners that they have agricultural lands in Survey Nos.411 and 414 at Gagilapur village in Bejjanki Mandal of Karimnagar district and they are their patta lands. They also filed pahanies to show that they are the owners of the lands and also have been in possession of the said lands. The details of the said lands with Survey numbers have been furnished in the Affidavit filed in support of the writ petition. They also mentioned as to how they acquired title to the said lands. It is their contention that their names have been incorporated in all the Revenue records and pattadar pass books, and title deeds were also issued in their favour.

3. While so, the respondents under the programme “Mission Kakatiya” undertook the restoration of certain tanks. One of such tanks is Gollakuntla tank, Gagilapur village in Bejjanki Mandal of Karimnagar district. The grievance of the petitioners is that under the guise of restoration of the tank, the respondents are trying to include the patta lands of the petitioners into the said tank. Therefore, they filed the present writ petition seeking a Writ of *mandamus* to declare the action of the respondents in interfering with peaceful possession and enjoyment of the petitioners in respect of the lands in Survey Nos.411 and 414 at Gagilapur village in Bejjanki Mandal of Karimnagar district as illegal, arbitrary, without authority of law and contrary to Article 300-A of the Constitution of India and consequently to direct the respondents not to interfere with their peaceful possession and enjoyment in respect of the said lands either by excavation of mud or construction of tank.

4. The learned Government Pleader for Irrigation and Command Area Development, on obtaining instructions, submitted

that the restoration of Gollakuntla tank, Gagilapur village in Bejjanki Mandal of Karimnagar district has nothing to do with the patta lands of the petitioners and it has been falsely alleged in the Affidavit filed in support of the writ petition that the respondents' authorities have been trying to annex the patta lands of the petitioners into Gollakuntla tank while restoring the same.

5. Since it is submitted on behalf of the respondents that the respondents are proposing only to restore the Gollakuntla tank and they never intended nor attempted to interfere with the peaceful possession and enjoyment of the petitioners in respect of their lands, the writ petition is disposed of at the stage of admission with a direction to the respondents that they can proceed with the restoration of Gollakuntla tank at Gagilapur village in Bejjanki Mandal of Karimnagar district under "Mission Kakatiya" but they shall not interfere with the peaceful possession and enjoyment of the patta lands of the petitioners. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

13th April, 2015.

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Note:-

Issue C.C. in two days.

(B/o)

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HON'BLE SRI JUSTICE R.KANTHA RAO

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13th April, 2015.
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